

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 2, 4, 8, 12-14, and 21-23 have been cancelled. Claims 1, 3, 5-7, 9-11, 15, 17, 18, and 20 have been amended. Claims 24-32 have been added as dependent claims of claim 1. Applicants respectfully submit that no new matter has been added to the claims. Claims 1, 3, 5-7, 9-11, 15-20, and 24-32 are now pending in this application.

I. Objection to the Specification

In Section 1 of the Office Action, the Examiner states that the disclosure is objected to because the “network interface 350” is believed to actually be “network interface 155.” Applicants thank the Examiner for noting this discrepancy. Paragraph [0109] has been amended to replace the usage of reference number “350” with reference number “155.” As a result, Applicants respectfully request withdrawal of the objection to the specification.

II. Objection to Claims 4, 5, 7, 11, and 14

In Section 2 of the Office Action, the Examiner objects to claims 4, 5, 7, 11, and 14 based on a number of informalities associated with clarity and proper antecedent basis. Applicants thank the Examiner for noting these discrepancies. Applicants have canceled claims 4 and 14 rendering these rejections moot. Applicants have amended claims 5, 7, and 11 as well as claim 1 from which these claims depend. Applicants respectfully submit that these amendments overcome the objections. As a result, Applicants respectfully request withdrawal of the objection to claims 4, 5, 7, 11, and 14.

III. Rejection of Claims 7, 12, and 17 Under 35 U.S.C. § 112

In Section 4 of the Office Action, Claims 7, 12, and 17 were rejected under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 has been canceled rendering this rejection moot. Applicants have amended claims 7 and 17 to overcome the rejections. As a result, Applicants respectfully request withdrawal of the rejection.

IV. Rejection of Claims 22 and 23 Under 35 U.S.C. § 101

In Section 6 of the Office Action, Claims 22 and 23 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicants have canceled claims 22 and 23 rendering these rejections moot. Applicants respectfully submit that new claims 24 and 25 are directed to statutory subject matter.

V. Rejection of Claims 1-23 Under 35 U.S.C. § 102(e)

In Section 8 of the Office Action, Claims 1-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0005386 to Bhatt et al. (Bhatt et al.). Applicants respectfully reserve the right to swear behind Bhatt et al. as a prior art reference. Applicants respectfully traverse the rejection of Claims 1-23 because Bhatt et al. fails to teach, suggest, or disclose all of the limitations of Claims 1-23.

Independent Claim 1, as amended and with emphasis added through underlining, recites in part:

sending a response to the received first request from the streaming server to the streaming client, the response including a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client;

Independent Claim 18, as amended and with emphasis added through underlining, recites in part:

receiving means for receiving streaming media sent from a streaming server to the client device via a transmission channel and for receiving a plurality of error resilience levels supportable by the streaming server in streaming the media to the client device;

Independent Claim 20, as amended and with emphasis added through underlining, recites in part:

sending means for sending a response to the first request to the streaming client, the response including the plurality of error resilience levels supportable by the streaming server in sending

the media to the streaming client supportable by the streaming server in streaming the media to the client device;

Independent Claim 24, with emphasis added through underlining, recites in part:

send a response to a first device requesting media, the response including a plurality of error resilience levels supportable when sending the media to the first device;

Independent Claim 25, with emphasis added through underlining, recites in part:

receive a response from the streaming server, the response including a plurality of error resilience levels supportable by the streaming server when sending the media;

Independent Claim 26, with emphasis added through underlining, recites in part:

receiving a response from the streaming server at the streaming client, the response including a plurality of error resilience levels supportable by the streaming server when sending the media

Bhatt et al. describes a method that allows “a receiving device to dynamically control and/or otherwise influence a sending device's decision regarding the level of error correction that is applied to streamed media.” (Abstract, with emphasis added through underlining). Bhatt et al. states that the “improved error correction scheme essentially allows the sending device and receiving device to negotiate the level of error correction that is provided for the streamed media.” (Para. [0045]). However, Bhatt et al. fails to teach, suggest, or disclose “sending a response to the received first request from the streaming server to the streaming client, the response including a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client” as required by claims 1, 20, and 24. Bhatt et al. further fails to teach, suggest, or disclose “receiving a response from the streaming server at the streaming client, the response including a plurality of error resilience levels supportable by the streaming server when sending the media” as required by claims 18, 25, and 26.

Bhatt et al. states that “receiving device 210 may send a request message 214 identifying a requested error correction level 216.” (Para. [0046]). Bhatt et al. further states:

Thus, when requesting the streamed media, receiving device 210 may request that the density of error correction packets be two per span, wherein each span includes four streaming media data packets. The sending device, here server 206, can either accept the request, propose a different error correction level, or override the requested error correction level. Hence, in this example, it is assumed that server 206 has decided to accept the requested error correction level 216. As such, server 206 will provide the requisite computing and data storage resources for the error correction data generation process. If at sometime during the streaming media session, server 206 can no longer provide such resources, then the error correction level provided can be reduced by server 206 as needed. As will be described, the error correction packets transmitted to receiving device 210 indicate the error correction level that the sending device (here, server 206) has applied. In this manner, the error correction level can be established, negotiated, and/or dynamically altered, as needed, by either the receiving device or the sending device.

(Para. [0047], with emphasis added through underlining). Thus, according to Bhatt et al. the receiving device sends an error correction level that the server accepts or overrides or the server proposes a different error correction level. The error correction packets indicate the error correction level, which has already been applied, and thus, are not provided for selection by the receiving device before application to the stream/packets.

Bhatt et al. still further states:

Logic 308 is provided in sending device 302 to support the improved error correction scheme. In this example, logic 308 includes server dynamic FEC logic, which is configured to stream media, and encode (and stream) error correction data associated with the streamed media. Prior to streaming media, logic 308 provides receiving device 304 with information about the streaming media available. For example, in certain implementations an enhancement is provided to the standard session description protocol (SDP) elements that allows receiving device 304 to identify the location and characteristics of the streamed media and associated FEC data streams.

(Para. [0049], with emphasis added through underlining). Providing information about the streaming media available and the associated FEC data streams is not providing “a plurality

of error resilience levels supportable by the streaming server in sending the media to the streaming client” as required by claims 18, 20, and 24-26.

Bhatt et al. also states:

RTP message header 600 identifies the error correction level associated with the FEC data packet by specifying a Mask, an FEC Span, and an FEC Index. The Mask identifies the number of packets in the span associated with the FEC data packet. In this example, the Mask field is 24 bits. FEC Span identifies the number of FEC data packets associated with the span. Here, the FEC Span field is 5 bits. The FEC Index identifies the present FEC data packet's position within the FEC Span. Here, the FEC Index field is 6 bits.

(Para. [0063], with emphasis added through underlining). Thus, Bhatt et al. teaches providing the error correction level of the streamed media, but does not teach sending or receiving “a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client” as required by claims 18, 20, and 24-26.

Similarly, Bhatt et al. states:

The excerpts below are from an SDP content description that is sent by sending device 302 to receiving device 302 in response to a DESCRIBE request. The SDP description indicates the path for the content file, and URLs for audio and video streams, as well as associated standard and dynamic FEC streams.

(Para. [0069], with emphasis added through underlining). Thus, Bhatt et al. again teaches providing the error correction level of the streamed media, but does not teach sending or receiving “a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client” as required by claims 18, 20, and 24-26.

Thus, Bhatt et al. fails to teach, suggest, or describe sending or receiving “a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client” as required by claims 18, 20, and 24-26. Bhatt et al. fails to consider provision of a plurality of error resilience levels supportable by the streaming server to the

streaming client which provides the benefit of avoiding useless requests from the streaming client to the streaming server that cannot be supported by the streaming server.

An anticipation rejection cannot properly be maintained where the reference used in the rejection does not disclose all of the recited claim elements. Claims 3, 5-7, 9-11, 15-17, and 27-32 depend from claim 1. Claim 19 depends from claim 18. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1, 3, 5-7, 9-11, 15-20, and 24-32.

Applicants believes that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

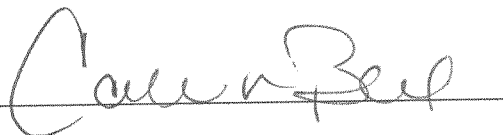
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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